

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:18-cr-0246-TWP-TAB
	)	
ANTONIO HIGHBAUGH,	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On October 13, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 21, 2021. Defendant Highbaugh appeared in person with his appointed counsel Dominic Martin. The government appeared by AUSA Abhishek Kambli, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Highbaugh of his rights and provided him with a copy of the petition. Defendant Highbaugh orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Highbaugh admitted violation number 1. [Docket No. 69.] Government orally moved to withdraw the remaining violation, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

**Violation  
Number**

**Nature of Noncompliance**

1

**“You shall refrain from any unlawful use of a controlled substance.”**

On September 9, 2021, Mr. Highbaugh submitted a urine sample at the residential reentry center (RRC) which was confirmed positive for Cocaine by Redwood laboratory. He denies using cocaine.

As previously reported to the Court, on October 22, 2020, and April 27, 2021, the offender submitted urine samples which tested positive for Cannabinoids and he denied smoking marijuana. The October 22, 2020, positive test he claimed to have been from smoking marijuana in prison prior to beginning supervised release. The April 27, 2021, positive sample was confirmed by Alere Laboratory. On June 29, 2021, Mr. Highbaugh submitted a urine sample which tested positive for Cannabinoids. He denied using the substance, and the sample was forwarded to Alere Laboratory where it confirmed positive for THC.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is IV.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months’ imprisonment.

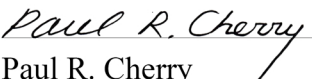
5. The parties jointly recommended a sentence of twelve (12) months and one (1) day with no supervised release to follow. Defendant requested placement at FCI Terre Haute, Security Satellite Camp.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months and one (1) day with no

supervised release to follow. The Magistrate Judge will make a recommendation of placement at FCI Terre Haute, Security Satellite Camp. The Defendant is to self-surrender upon designation by the Bureau of Prisons.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 10/14/2021

  
Paul R. Cherry  
United States Magistrate Judge  
Southern District of Indiana

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